

**THE EASTERN CARIBBEAN SUPREME COURT  
COURT OF APPEAL**

**CHAMBER HEARING**

**17<sup>th</sup> February 2026**

**MATTERS DEALT WITH ON PAPER**

**Before:** The Hon. Mr. Reginald T.A. Armour S.C., Justice of Appeal [Ag.]

**Case Name:** Tosh Nassir  
v  
Caribbean Commercial Bank  
[AXAHCVAP2025/0008]  
ANGUILLA

**Date:** Tuesday, 17<sup>th</sup> February 2026

**On paper:**  
**Applicant:** In person  
**Respondent:** Ms. Jacinth Jeffers

**Issues:** Application for an extension of time

**Result / Order:** IT IS HEREBY ORDERED THAT:

1. The application filed on 29<sup>th</sup> January 2026 for an extension of time to file and serve documents, and for relief from sanctions is granted.
2. Relief from sanctions is granted in respect of the applicant's failure to file and serve the said documents within the time prescribed by the Eastern Caribbean Civil Procedure Rules (Revised Edition) 2023.

3. The applicant is granted an extension of time to file and serve the said documents on or before 22<sup>nd</sup> February 2026.
4. The costs of this application shall be costs in the appeal.
5. This Order shall be served on the respondent within seven (7) days of the date of this Order.

**Reason:**

The Court considered principles on which an extension of time should be granted as enunciated in *Lindsay F.P Grant et al v Tanzania Tobin* SKBHCVAP2020/0004 (delivered 6<sup>th</sup> July 2020, unreported) as well as the Rules 26.8(1) and 26.8(2) of the Eastern Caribbean Civil Procedure Rules (Revised Edition) 2023 and was of the view that the applicant has met the threshold for the grant of an extension of time and for relief from sanctions.

**Case Name:**

Harold Mickle

v

Director of Public Prosecutions

[ANUHCRA2025/0013]

ANTIGUA AND BARBUDA

**Date:**

Tuesday, 17<sup>th</sup> February 2026

**On paper:**

**Applicant:**

Mr. Wendel Alexander

**Respondent:**

Mrs. Shannon Jones-Gittens

**Issues:**

Application for leave to appeal – Application for extension of time

**Result / Order:**

**IT IS HEREBY ORDERED THAT:**

- 1. The Extension of Time Application filed on 4<sup>th</sup> February 2026 is granted.**
- 2. The application for leave to appeal filed on 11<sup>th</sup> December 2025 is granted and deemed properly filed.**
- 3. The Criminal Form 1 – Notice of Application for leave to appeal is deemed to be the Notice of Appeal.**
- 4. The Registrar of the High Court shall serve a copy of this Order on the applicant and the Director of Public Prosecutions and provide proof of service within 7 days of the date of this Order.**
- 5. The parties shall comply with the practice and procedures prescribed by the Court of Appeal Rules as well as the relevant Practice Directions in advancing this appeal.**

**Reason:**

**The Court considered Rule 9 of the Eastern Caribbean Supreme Court of Appeal Rules 1968 as well the principles upon which an extension of time is granted as enunciated in *Carleen Pemberton v Mark Brantley* SKBHCVAP2011/0009 (delivered 14<sup>th</sup> October 2011, unreported) and *John Cecil Rose v Anne Marie Uralis Rose* SLUHCVP2011/0013 (delivered 22<sup>nd</sup> September 2013, unreported) and determined that it is in the interest of justice that the applicant be allowed to present his appeal and that the applicant has met the threshold for the grant of an extension of time for leave to appeal.**

**Case Name:**

**Jeson Cedeno**

**v**

**Magistrate Ngaio Emanuel**

**[ANUMCRAP2024/0004]**

**ANTIGUA AND BARBUDA**

**Date:** Tuesday, 17<sup>th</sup> February 2026

**On paper:**

**Applicant:** Mr. Andrew O’Kola

**Respondent:** Mrs. Shannon Jones-Gittens

**Issues:** Application for substitution of the respondent

**Result / Order:** IT IS HEREBY ORDERED THAT:

1. The applicant’s application filed 21<sup>st</sup> October 2024 is granted.
2. The Commissioner of Police is hereby substituted in place of Magistrate Ngaio Emanuel whose name is deleted from the record, with the Commissioner of Police being represented by the Director of Public Prosecution, in Claim No. ANUMCRAP2024/0004.
3. All documents filed and served on the Director of Public Prosecutions in Claim No. ANUMCRAP2024/0004 are deemed properly filed and served.
4. Relief from sanctions is granted to the appellant/applicant.
5. This Order shall be served on the following persons within seven (7) days of the date of this Order, and proof of service must be provided. The parties are:
  - a. The Commissioner of Police.
  - b. Magistrate Ngaio Emanuel.

**Reason:** The Court considered that by virtue of sections 87 and 88 of the Constitution of Antigua and Barbuda which states that the authority to institute and conduct criminal proceedings is vested in the Director of Public Prosecutions on behalf of the Crown and was of the

view that the actions of both the applicant and the Director of Public Prosecutions satisfy this Court that the Office of the Director of Public Prosecution verily intends to act in the matter, and has, in a manner, acted to protect the Commissioner of Police, who is the intended substituted respondent.

The Court also considered that service was duly effected on the Director of Public Prosecutions, who has filed submissions in the matter and the Court was of the opinion that the Orders sought are in the best interests of the overriding objective and that the requisite criteria for granting the Orders have been satisfied.

**Case Name:**

**Karl Warner**

**v**

**The King**

**[ANUHCRA2024/0011]**

**ANTIGUA AND BARBUDA**

**Date:**

**Tuesday, 17<sup>th</sup> February 2026**

**On paper:**

**Applicant:**

**In person**

**Respondent:**

**Mrs. Shannon Jones-Gittens**

**Issues:**

**Application for bail – Application for stay of execution**

**Result / Order:**

**IT IS HEREBY ORDERED THAT:**

- 1. The renewed application filed on 14<sup>th</sup> January 2026 for bail pending determination of the appeal and a stay of execution of the sentence pending the determination of the substantive appeal is refused.**
- 2. No order as to costs.**

**Reason:** The Court considered section 46(2) of the Eastern Caribbean Supreme Court Act, Cap. 143 Revised Edition (1992) Laws of Antigua and Barbuda, the principles upon which the Court would be minded to grant bail pending an appeal as enunciated in *The State v Lynette Scantlebury* (1976) 27 WIR 103 and the principles upon which a stay pending the determination of the appeal is granted as set out in the case of *C-Mobile Services Ltd v Huawei technologies Co. Ltd* BVIHCMAP2014/0017 (delivered 2<sup>nd</sup> October 2014, unreported).

The Court was of the view that while the appellant's medical condition has been noted, the grounds advanced do not disclose exceptional circumstances sufficient to justify the grant of bail pending appeal and, in particular, the Court noted that no exceptional circumstances have occurred since the Order of the Hon. Justice Gerard Farara JA [Ag.], dated 16<sup>th</sup> December 2025 by which Order the Court refused the appellant's application for bail pending appeal. Furthermore, the Court was not satisfied that the criteria for the grant of a stay have been met, there being no cogent evidence that the appeal would be stifled or rendered nugatory if a stay is refused.

**Case Name:** Neal Harding  
v  
JSN Development Group Limited  
[ANUHCVP2025/0029]  
ANTIGUA AND BARBUDA

**Date:** Tuesday, 17<sup>th</sup> February 2026

**On paper:**  
Applicant/Respondent: Mr. Andrew O'Kola  
Respondent/Appellant: Ms. Cheryl-Lee Bolton

**Issues:** Application for stay of execution – Application for extension of time

**Result / Order:**

**IT IS HEREBY ORDERED THAT:**

1. The hearing of the application filed by the applicant JSN Development on 12<sup>th</sup> January 2026 is adjourned to be heard together with the appeal at the Sitting of the Court of Appeal for the State of Antigua and Barbuda scheduled for the week commencing 23<sup>rd</sup> March 2026.
2. The hearing bundles and submissions filed by the appellant on 13<sup>th</sup> February 2026 are to be unsealed by close of business day on the 20<sup>th</sup> February.
3. JSN Development Group Limited is permitted to file a brief reply to skeleton arguments on or before 6<sup>th</sup> March 2026.
4. Costs are reserved.

**Reason:**

The Court was of the view that the applicant's/respondent's application for a stay of the appeal and an extension of time to file submissions raised issues that are inextricably linked to the merits of the appeal itself, particularly as the appeal is provisionally listed for March 2026 and the respondent's request was made after the deadline without a formal application for relief from sanctions. The Court further noted that the appellant filed skeleton arguments and bundles under seal, without service on the respondent, which is irregular for an on-notice application. In the interests of procedural fairness and efficient case management, the Court determined that the proper course was to adjourn the application to be heard together with the appeal. The Court also ordered that the hearing bundles be unsealed and permitted the appellant to file a brief reply to the skeleton arguments.

**Case Name:**

**Craig Cochrane**

**v**

**[1] Chief Immigration Officer**  
**[2] Department of Immigration**  
**[3] The Attorney General of Antigua and Barbuda**  
**[ANUHLTAP2024/0001]**  
**ANTIGUA AND BARBUDA**

**Date:** **Tuesday, 17<sup>th</sup> February 2026**

**On paper:**

**Applicants/Respondents:** **Ms. Joy Dublin**

**Respondent/Appellant:** **Mr. Harold Lovell**

**Issues:** **Application for an extension of time**

**Result / Order:** **IT IS HEREBY ORDERED THAT:**

- 1. The respondents'/applicants' application filed on 29<sup>th</sup> January 2026 for an extension of time to file written submissions in response to the appeal is granted.**
- 2. The submissions filed and served herein on behalf of the respondents/applicants on 17<sup>th</sup> November 2025 are deemed properly filed and served.**
- 3. No order as to costs.**

**Reason:**

**The Court considered the principles on which an extension of time should be granted as enunciated in *Lindsay F.P Grant et al v Tanzania Tobin Tanzil* SKBHCVAP2020/0004 (delivered 6<sup>th</sup> July 2020, unreported) and was of the view that that the appellant has satisfied the threshold for the grant of an extension of time and that, notwithstanding the absence of an affidavit of service, the Court accepts that the application has been duly filed, having regard to the fact**



that all parties are represented on the e-Litigation Portal and thereby have access to the filed materials. Furthermore, the failure to file submissions did not attract any sanction, such that an application for relief from sanctions is neither necessary nor required.

**Case Name:**

**David Gulston**

**v**

**The King**

**[GDAHCRAP2021/0011]**

**GRENADA**

**Date:**

**Tuesday, 17<sup>th</sup> February 2026**

**On paper:**

**Applicant:**

**In person**

**Respondent:**

**Ms. Crisann Greenidge**

**Issues:**

**Application for waiver of transcript fees**

**Result / Order:**

**IT IS HEREBY ORDERED THAT:**

- 1. The appellant shall complete and file a copy of the form set out in the Schedule to this Order within 14 days of the date of this Order.**
- 2. The Court Office in Grenada shall assist the appellant and facilitate the filing of the said Schedule within the time prescribed at [1] above.**
- 3. The Application will be considered and determined (on paper) upon receipt of the completed Schedule.**
- 4. The Registrar of the High Court shall serve a copy of this order along with the Schedule on the**

appellant and provide this Court with proof of service.

**Reason:**

The Court noted that the appellant has made a bald assertion that he cannot afford to pay the fees associated with the preparation of the transcript and has not provided any evidence as to his means to satisfy the Court that he does not in fact have the means to fund the transcript fees. The Court determined that the appellant has failed to provide sufficient evidence to enable the Court to make a determination on his application and therefore gave directions for the appellant to complete the schedule evidencing his financial means.

**Case Name:**

**Shaka Aaron Croney**

**v**

**The King**

**[GDAHCRAP2026/0001]**

**GRENADA**

**Date:**

**Tuesday, 17<sup>th</sup> February 2026**

**On paper:**

**Applicant:**

**Mr. George Prime**

**Respondent:**

**Mr. Howard Pinnock**

**Issues:**

**Application for leave to appeal - Application to adduce evidence of further witness**

**Result / Order:**

**IT IS HEREBY ORDERED THAT:**

- 1. The application for leave to appeal against conviction and sentence is adjourned for further consideration pending receipt of the minute of conviction and sentence before a single judge at**

the next Chamber Hearing scheduled for 31<sup>st</sup> March 2026.

2. The application to call further witnesses is adjourned for an oral hearing to be conducted before the Full Court on a date to be fixed by the Chief Registrar.
3. The Registrar of the High Court shall serve a copy of this Order on the applicant and the Office of the Director of Public Prosecutions and provide proof of service within 14 days of the date of this Order.

**Reason:**

The Court noted that, without the minute of conviction, it could not determine the application for leave to appeal. Accordingly, the application for leave to appeal was adjourned pending receipt of the minute of conviction. The Court further observed that, given the nature of the relief sought in the application to adduce further witness evidence, the matter ought to be appropriately considered by the Full Court. Consequently, that application was adjourned for an oral hearing before the Full Court.

**Case Name:**

**Kimba Wattley**

**v**

**The Director of Public Prosecutions**

**[SKBHCRA2023/0003]**

**SAINT CHRISTOPHER AND NEVIS**

**Date:**

**Tuesday, 17<sup>th</sup> February 2026**

**On paper:**

**Applicant:**

**In person**

**Respondent:**

**No appearance**

**Issues:**

**Application for legal aid**

**Result / Order:**

**IT IS HEREBY ORDERED THAT:**

1. The appellant shall complete and file a copy of the form set out in the Schedule to this Order within 14 days of the date of this order.
2. The Court Office in Saint Christopher and Nevis shall assist the appellant and facilitate the filing of the said Schedule within the time prescribed at [1] above.
3. The Application will be considered and determined (on paper) upon receipt of the completed Schedule.
4. The Registrar of the High Court shall serve a copy of this order along with the Schedule on the appellant and provide this Court with proof of service.

**Reason:**

The Court considered that a single judge of the Court is empowered under section 55 (c) of the Eastern Caribbean Supreme Court (St. Christopher and Nevis) Act Cap. 3.11 to assign legal aid to an appellant. However, notwithstanding the foregoing, the appellant has failed to provide sufficient evidence to enable the Court to make a determination on her application. Therefore, the Court gave directions for the applicant to complete and file a copy of the schedule evidencing her financial means.

**Case Name:**

**Eustace Nisbett**

**v**

**The Registrar of the High Court of Saint Christopher  
and Nevis**

**[NEVHCVAP2025/0027]**

**SAINT CHRISTOPHER AND NEVIS**

**Date:**

**Tuesday, 17<sup>th</sup> February 2026**

**On paper:**

**Applicant:** Ms. Sandra Hector

**Respondent:** In person

**Issues:** Application for a stay

**Result / Order:** IT IS HEREBY ORDERED THAT:

1. An interim stay of the proceedings in the High Court and of the Orders of the High Court in the judgment of the Hon. Thompson Jr. J dated 1<sup>st</sup> October 2025 is granted, pending the hearing and determination of the Stay Application before the Full Court on a date to be fixed by the Chief Registrar.
2. The respondent shall file and serve skeleton arguments in response to the Stay Application within 14 days of the date of this Order, that is, on or before 4<sup>th</sup> March 2026.
3. The applicant shall file any skeleton arguments in reply within 14 days thereafter, that is, on or before 25<sup>th</sup> March 2025.

**Reason:**

The Court considered the principles for the grant of a stay pending appeal as outlined in the authorities *Wenden Engineering Service Co. Ltd v Lee Shing UEY Construction Co Ltd* HCCT No. 90 of 1999, *C-Mobile Services Limited v Huawei Technologies Co. Limited* BVIHCMAP2014/0017 (delivered 2<sup>nd</sup> October 2014) and *Michael James v Tasman Gaming Inc et al* Civil Appeal No. 6 of 2006 (delivered 8<sup>th</sup> February 2007, unreported).

The Court was of the view that having regard to the directions and Orders made by the learned judge, and given all of the circumstances of the case, in the interest of justice but, bearing in mind that the respondent has not yet filed a response to the Stay Application, an

interim stay ought nevertheless to be granted meanwhile and the respondent should be given an opportunity to respond to the Stay Application. The Court was also of the view that the Stay Application should thereafter be set down for consideration before the Full Court.

**Case Name:**

**Inebo Hendrickson**

**v**

**The Director of Public Prosecutions**

**[SKBHCRAP2025/0014]**

**SAINT CHRISTOPHER AND NEVIS**

**Date:**

**Tuesday, 17<sup>th</sup> February 2026**

**On paper:**

**Applicant:**

**Mr. Johsiah Imo**

**Respondent:**

**Ms. Teshaun Vasquez**

**Issues:**

**Application to amend grounds of appeal**

**Result / Order:**

**IT IS HEREBY ORDERED THAT:**

- 1. The application to amend the grounds is granted.**
- 2. The Applicant shall file and serve a Form 1: Notice of Appeal to reflect the amended grounds within 21 days of the date of this order.**
- 3. The Registrar of the High Court shall serve a copy of this Order on the parties within 14 days of the date of this Order and shall provide proof of service thereof.**

**Reason:**

**The Court considered rule 80 of the Court of Appeal Rules which outlines that the grounds of appeal may be amended at any time upon such terms as the Court thinks just and was of the view that at this stage of the**

proceedings, the respondent would not be prejudiced, and it is in the interest of justice that the appellant be allowed to amend the grounds.

**Case Name:** **Beach Front Condominium Holding Limited**  
**v**  
**Saint Kitts and Nevis Sugar Industry Diversification Fund**  
**[SKBHCVAP2026/0002]**  
**SAINT CHRISTOPHER AND NEVIS**

**Date:** **Tuesday, 17<sup>th</sup> February 2026**

**On paper:**  
**Applicant:** **Mr. Errol Williams**  
**Respondent:** **Mr. Jason Hamilton**

**Issues:** **Application for leave to appeal – Application for a stay**

**Result / Order:** **IT IS HEREBY ORDERED THAT:**

1. The applicant shall file written submissions in support of the application for a stay of proceedings within 14 days of the date of this order.
2. The respondent shall file written submissions in support of its notice of opposition within 14 days of the date of this Order.
3. The application for leave to appeal and for a stay of proceedings in the court below pending determination of the appeal are set down for further consideration at the next Chamber Hearing of this Court scheduled for 31<sup>st</sup> March 2026 pending the receipt of the Order of Master

Yuri Saunders delivered on 17<sup>th</sup> December 2025 and the skeleton arguments of the parties.

Reason:

The Court considered rules 62.2(8) and 62.5(2) of the Civil Procedure Rules (Revised Edition) 2023 as well as the principles for the grant of a stay pending appeal as outlined in the authorities *Wenden Engineering Service Co. Ltd v Lee Shing UEY Construction Co Ltd* HCCT No. 90 of 1999, *C-Mobile Services Limited v Huawei Technologies Co. Limited* BVIHCMAP2014/0017 (delivered 2<sup>nd</sup> October 2014) and *Michael James v Tasman Gaming Inc et al* Civil Appeal No. 6 of 2006 (delivered 8<sup>th</sup> February 2007, unreported).

The Court noted that the Order of Master Yuri Saunders delivered on 17<sup>th</sup> December 2025 which is the subject of the appeal was not filed, the applicant did not file skeleton arguments in support the application for a stay of proceedings and the final paragraph of the without notice application for leave to appeal filed on 8<sup>th</sup> January 2026 indicates that “an affidavit in support and a Draft Order accompanies this Application. A copy of the Judgment of His Lordship the Honourable Patrick Thompson Jr dated the 21<sup>st</sup> March, 2025 is attached to this Application”, but there was no attachment thereto.

Given the aforementioned, the Court was of the view that the applicant has not provided written submissions to this Court by way of skeleton arguments on why a stay of proceedings pending the determination of the appeal should be granted. In the circumstances, the Court gave directions for the filing of submissions and adjourned both applications pending the receipt of the Order of Master Yuri Saunders delivered on 17<sup>th</sup> December 2025.

Case Name:

Jenese Saunders

v

Zacharias Newman

[SKBHCVAP2025/0012]

SAINT CHRISTOPHER AND NEVIS

Date:

Tuesday, 17<sup>th</sup> February 2026



**On paper:**

**Applicant:**

**In person**

**Respondent:**

**No appearance**

**Issues:**

**Application to amend evidence**

**Result / Order:**

**IT IS HEREBY ORDERED THAT:**

1. The application to amend the evidence supplied is adjourned to be heard together with the appeal by the Full Court on a date to be fixed by the Chief Registrar.

**Reason:**

The Court noted that the essence and underlying substance of the application filed by the appellant is to seek leave to introduce fresh and additional evidence on appeal. The Court considered the powers of a single judge outlined under Rule 62.19(1) of the Civil Procedure Rules (Revised Edition) 2023 and was of the view that the application advanced by the applicant does not fall within the scope of jurisdiction exercisable by a single judge sitting in chambers.

**Case Name:**

**Howard Anthony Lewis**

**v**

**SIBEW PTY Ltd.**

**[NEVHCVAP2025/0026]**

**SAINT CHRISTOPHER AND NEVIS**

**Date:**

**Tuesday, 17<sup>th</sup> February 2026**

**On paper:**

**Applicant:**

**Mrs. Talibah Byron-Chiverton**

**Respondent:**

**No appearance**

**Issues:** Application for leave to appeal

**Result / Order:** IT IS HEREBY ORDERED THAT:

1. The applicant shall file written submissions in support of the application for leave to appeal within 14 days of the date of this order.
2. The application for leave to appeal is set down for further consideration at the next Chambers Sitting of this Court scheduled for 31<sup>st</sup> March 2026.

**Reason:** The Court considered rule 62.13(1) of the Civil Procedure Rules (Revised Edition) 2023 and determined that the absence of written submissions directly impacts the Court's capacity to accurately determine whether the applicant has a realistic prospect of success of appeal.

**Case Name:** [1] Jamie and Sussanah Ltd.

[2] Priestley Designs Ltd.

v

Sugar Beach Management Limited

[SLUHCVAP2025/0014]

SAINT LUCIA

**Date:** Tuesday, 17<sup>th</sup> February 2026

**On paper:**

**Applicants:** Ms. Tamara Jordan

**Respondent:** Ms. Renee St. Rose

**Issues:** Application for a stay

**Result / Order:**

**IT IS HEREBY ORDERED THAT:**

1. The application for a stay of paragraph 5 of the order of Justice Cadie St. Rose-Albertini dated 13<sup>th</sup> June 2025 is refused.
2. The application for an order restraining the respondent including its directors, servants, agents and/or nominees, from removing, suspending or otherwise excluding the applicants' villas, including the class of owners they represent, from the rental pool under the Management and Rental Pool Agreement, pending the hearing and determination of this appeal is adjourned to be considered by the Full Court on a date to be fixed on an expedited basis by the Chief Registrar.

**Reason:**

The Court considered the relevant principles which a court should apply when deciding whether to exercise its discretion to grant a stay, adumbrated in *C-Mobile Services Ltd. v Huawei Technologies Co. Ltd.* BVIHCMAP2014/0017 (delivered 2<sup>nd</sup> October 2014, unreported) as well as rule 62.19 (1) of the Civil Procedure Rules (Revised Edition) 2023.

The Court was of the view that notwithstanding that the applicant may have reasonable prospects of success on appeal, on an evaluation of all the circumstances of the case, the applicable principles governing the grant of a stay pending appeal, and the overriding objective, leads the Court to conclude that, in the absence of a stay, the appeal would neither be stifled nor rendered nugatory and the injunction which the applicants are seeking does not fall within the realm of powers of a single judge.

**Case Name:**

**Kevin Paul**

**v**  
**The King**  
**[SLUHCRA2025/0003]**  
**SAINT LUCIA**

**Date:** **Tuesday, 17<sup>th</sup> February 2026**

**On paper:**

|                    |                                     |
|--------------------|-------------------------------------|
| <b>Applicant:</b>  | <b>Ms. Alberta A.G.S. Richelieu</b> |
| <b>Respondent:</b> | <b>No appearance</b>                |

**Issues:** **Application for leave to appeal**

**Result / Order:** **IT IS HEREBY ORDERED THAT:**

- 1. The application filed on 21<sup>st</sup> May 2025 for leave to appeal against conviction and sentence is granted.**
- 2. The notice of application filed on 21<sup>st</sup> May 2025 is deemed to be the Notice of Appeal.**
- 3. The Registrar of the High Court shall serve a copy of this Order on the applicant and the Director of Public Prosecution within 7 days of the date of this Order and provide proof of service thereafter.**

**Reason:** **The Court was satisfied that the applicant’s grounds of appeal met the threshold for the grant of leave to appeal. The Court was also mindful of rule 55 of the Eastern Caribbean Supreme Court, Court of Appeal Rules and deemed the notice of application to be the notice of appeal.**

**Case Name:** **Theodora Jn Baptiste**

v

Lu-Anne Nelson

[SLUHCVAP2025/0021]

SAINT LUCIA

**Date:** Tuesday, 17<sup>th</sup> February 2026

**On paper:**

**Applicant:** Mrs. Wauneen Louis-Harris

**Respondent:** Ms. Shahida Charlemagne

**Issues:** Application for extension of time – Application for stay

**Result / Order:** IT IS HEREBY ORDERED THAT:

1. The applicant shall provide this Court with a copy of the Order dated 18<sup>th</sup> June 2025 which an extension of time for leave to appeal is being sought.
2. The applicant shall file written submissions in support of the application for a stay.
3. The application for an extension of time for leave to appeal is set down for further consideration at the next Chamber Hearing of this Court scheduled for 31<sup>st</sup> March 2026.

**Reason:** The Court considered rules 62.13(1), 62.13(1)(a) and 62.19(1)(c) of the Civil Procedure Rules (Revised Edition) 2023, the principles upon which an extension of time is granted as enunciated in *Carleen Pemberton v Mark Brantley* SKBHCVAP2011/0009 (delivered 14<sup>th</sup> October 2011, unreported) and *John Cecil Rose v Anne Marie Uralis Rose* SLUHCVAP2011/0013 (delivered 22<sup>nd</sup> September 2003, unreported) as well as section 26 (2)

(g) of the Eastern Caribbean Supreme Court (Saint Lucia) Act Cap. 2.01 of the Revised Laws of Saint Lucia.

The Court noted that the certificate of exhibits does not include the Order of the court dated 18<sup>th</sup> June 2025 which the appellant is seeking an extension of time for leave to appeal and determined that the absence of same, which is the subject of the application and written submissions as to why a stay ought be granted, directly impacts the Court's capacity to accurately determine whether the extension of time for leave to appeal and a stay should be granted.

**Case Name:**

**Fernando Daniel**

**v**

**The King**

**[SVGHCRAP2026/0001]**

**SAINT VINCENT AND THE GRENADINES**

**Date:**

**Tuesday, 17<sup>th</sup> February 2026**

**On paper:**

**Applicant:**

**In person**

**Respondent:**

**Ms. Maria Jackson**

**Issues:**

**Application for extension of time**

**Result / Order:**

**IT IS HEREBY ORDERED THAT:**

- 1. The applicant shall file the minute of conviction within 14 days of the date of this Order.**
- 2. The determination of the application for an extension of time for leave to appeal is adjourned**

to the next Chamber Hearing of this Court scheduled for 31<sup>st</sup> March 2026.

**Reason:**

The Court considered the principles on which an extension of time should be granted as enunciated in *Lindsay F.P Grant et al v Tanzania Tobin Tanzil SKBHCVAP2020/0004* (delivered 6<sup>th</sup> July 2020, unreported). However, the Court was of the view that the minute of conviction must be filed in order to make a determination of the application.

**Case Name:**

[1] Mikhail Osmanovich Shishkanov

[2] Quadra Commodities SA (Switzerland)

[3] Quadra Commodities Singapore PTE Ltd  
(Singapore)

[4] Louis Dreyfus Company Suisse Sa (Switzerland)

[5] LDC Trading and Service Co S.A. (Uruguay)

[6] Louis Dreyfus Company Asia PTE Ltd

[7] Wilson International Trading Private Limited

[8] Ifchor Galbraiths (Switzerland) SA (Previously  
Known as Ifchor (Switzerland) SA and before as Ifchor  
SA)

[10] Midwestern Trading Group, Inc.

[11] Cargill Financial Solutions LLC

[12] Cargill, Inc.

[13] Bunge SA

[14] Credit and Trading Company Ltd

v

PJSC National Bank “Trust”

[BVIHCMAP2025/0029]

[BVIHCMAP2025/0030]

[BVIHCMAP2025/0031]

TERRITORY OF THE VIRGIN ISLANDS

**Date:** Tuesday, 17<sup>th</sup> February 2026

**On paper:**

**Applicants:** Mr. Andrew Willins for the 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> applicants

**Respondent:** Mr. Andrew Emery

**Issues:** Application for a stay

**Result / Order:** IT IS HEREBY ORDERED BY CONSENT THAT:

1. A stay of the proceedings in the court below is granted pending the hearing and determination of the appeal.
2. A stay of paragraphs 5,8 and 10.2 of the Order of Mithani J dated 25<sup>th</sup> November 2025 is granted pending the hearing and determination of the appeal.
3. Costs shall be costs in the appeal.

**Reason:** The Court considered the principles for the grant of a stay pending appeal as outlined in the authorities *Wenden Engineering Service Co. Ltd v Lee Shing UEY Construction Co Ltd* HCCT No. 90 of 1999, *C-Mobile Services Limited v Huawei Technologies Co. Limited* BVIHCMAP2014/0017 (delivered 2<sup>nd</sup> October 2014) and *Michael James v Tasman Gaming Inc et al Civil Appeal* No. 6 of 2006 (delivered 8<sup>th</sup> February 2007, unreported).

The Court was of the view that, in accordance with the established principles governing the grant of a stay, if the lower court proceedings were allowed to continue and the applicants were required to file a defence or



otherwise participate, their appeal to this Court against the jurisdictional challenges in the lower court would be rendered nugatory, and that, in any event, the balance of convenience and harm favours the applicants, particularly in relation to compliance with the cost orders impugned at paragraphs 5, 8, and 10.2 of the Order of Mithani J.

**Case Name:**

**[1] Mikhail Osmanovich Shishkanov**

**[2] Quadra Commodities SA (Switzerland)**

**[3] Quadra Commodities Singapore PTE Ltd  
(Singapore)**

**[4] Louis Dreyfus Company Suisse Sa (Switzerland)**

**[5] LDC Trading and Service Co S.A. (Uruguay)**

**[6] Louis Dreyfus Company Asia PTE Ltd**

**[7] Wilson International Trading Private Limited**

**[8] Ifchor Galbraiths (Switzerland) SA (Previously  
Known as Ifchor (Switzerland) SA and before as Ifchor  
SA)**

**[10] Midwestern Trading Group, Inc.**

**[11] Cargill Financial Solutions LLC**

**[12] Cargill, Inc.**

**[13] Bunge SA**

**[14] Credit and Trading Company Ltd**

**v**

**PJSC National Bank “Trust”**

**[BVIHCMAP2025/0029]**

**[BVIHCMAP2025/0030]**

**[BVIHCMAP2025/0031]**

**[BVIHCMAP2025/0032]**

**TERRITORY OF THE VIRGIN ISLANDS**

**Date:** Tuesday, 17<sup>th</sup> February 2026

**On paper:**

**Applicants:** Ms. Grainne Hussey for the 13<sup>th</sup> - 14<sup>th</sup> applicants

**Respondent:** Mr. Andrew Emery

**Issues:** Application for a stay

**Result / Order:** IT IS HEREBY ORDERED THAT:

1. A stay of the proceedings in the court below is granted pending the hearing and determination of this appeal.
2. A stay of the paragraphs 5,8,9 and 11 of the Order of Mithani J dated 25<sup>th</sup> November 2025 is granted pending the hearing and determination of the appeal.
3. Costs shall be costs in the appeal.

**Reason:** The Court considered the principles for the grant of a stay pending appeal as outlined in *Wenden Engineering Service Co. Ltd v Lee Shing UEY Construction Co Ltd* HCCT No. 90 of 1999, *C-Mobile Services Limited v Huawei Technologies Co. Limited* BVIHCPMAP2014/0017 (delivered 2<sup>nd</sup> October 2014) and *Michael James v Tasman Gaming Inc et al* Civil Appeal No. 6 of 2006 (delivered 8<sup>th</sup> February 2007, unreported).

The Court was of the view that in accordance with the established principles governing the grant of a stay, if the lower court proceedings were allowed to continue and the applicants were required to file a defence or otherwise participate, their appeal to this Court against the jurisdictional challenges in the lower court would be rendered nugatory, and that, in any event, the balance of convenience and harm favours the applicants,

particularly in relation to compliance with the cost orders impugned at paragraphs 5, 8, 9 and 11 of the Order of Mithani J.

**Case Name:**

**[1] Mikhail Osmanovich Shishkanov**

**[2] Quadra Commodities SA (Switzerland)**

**[3] Quadra Commodities Singapore PTE Ltd  
(Singapore)**

**[4] Louis Dreyfus Company Suisse Sa (Switzerland)**

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**[10] Midwestern Trading Group, Inc.**

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**[12] Cargill, Inc.**

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**[14] Credit and Trading Company Ltd**

**v**

**PJSC National Bank “Trust”**

**[BVIHCMAP2025/0029]**

**[BVIHCMAP2025/0030]**

**[BVIHCMAP2025/0031]**

**[BVIHCMAP2025/0032]**

**TERRITORY OF THE VIRGIN ISLANDS**

**Date:**

**Tuesday, 17<sup>th</sup> February 2026**

**On paper:**

**Applicants:** Ms. Allana-J Joseph for the 10<sup>th</sup> – 12<sup>th</sup> applicants

**Respondent:** Mr. Andrew Emery

**Issues:** Application for a stay

**Result / Order:** IT IS HEREBY ORDERED THAT:

1. The respondents' skeleton arguments in relation to the stay application filed on 10<sup>th</sup> January 2026 are deemed properly filed.
2. The affidavit of Robert James Dougans on behalf of the respondents and certificate of exhibits filed on 20<sup>th</sup> January 2026 is deemed properly filed.
3. A stay of the proceedings in the court below is granted pending the hearing and determination of this appeal.
4. A stay of the paragraphs 5,7,8,9 and 11 of the Order of Mithani J dated 25<sup>th</sup> November 2025 is granted pending the hearing and determination of the appeal.
5. Costs shall be costs in the appeal.

**Reason:** The Court noted the Order of Farara JA [Ag.] dated 22<sup>nd</sup> December 2025 directing inter alia, the respondents to file and serve their evidence and skeleton argument in opposition on or before 15<sup>th</sup> January 2026. The Court also noted the draft consent order sent via electronic mail to the Court's registry by counsel for the applicants on 9<sup>th</sup> February 2026 indicating the consensus that the time for the respondent to file and serve both their evidence as well as their skeleton argument be extended from 15<sup>th</sup> January 2026 to 20<sup>th</sup> January 2026.

The Court also considered the principles for the grant of a stay pending appeal as outlined in the authorities *Wenden Engineering Service Co. Ltd v Lee Shing UEY*

***Construction Co Ltd* HCCT No. 90 of 1999, *C-Mobile Services Limited v Huawei Technologies Co. Limited* BVIHCMAP2014/0017 (delivered 2<sup>nd</sup> October 2014) and *Michael James v Tasman Gaming Inc et al* Civil Appeal No. 6 of 2006 (delivered 8<sup>th</sup> February 2007, unreported) as well as rule 26.1(2)(k) of the Eastern Caribbean Supreme Court Civil Procedure Rules (Revised Edition) 2023.**

The Court was of the view that in accordance with the established principles governing the grant of a stay, if the lower court proceedings were allowed to continue and the applicants were required to file a defence or otherwise participate, their appeal to this Court against the jurisdictional challenges in the lower court would be rendered nugatory, and that, in any event, the balance of convenience and harm favours the applicants, particularly in relation to compliance with the cost orders impugned at paragraphs 5, 7,8,9 and 11 of the Order of Mithani J.

**Case Name:**

**[1] Mikhail Osmanovich Shishkanov**

**[2] Quadra Commodities SA (Switzerland)**

**[3] Quadra Commodities Singapore PTE Ltd  
(Singapore)**

**[4] Louis Dreyfus Company Suisse Sa (Switzerland)**

**[5] LDC Trading and Service Co S.A. (Uruguay)**

**[6] Louis Dreyfus Company Asia PTE Ltd**

**[7] Wilson International Trading Private Limited**

**[8] Ifchor Galbraiths (Switzerland) SA (Previously  
Known as Ifchor (Switzerland) SA and before as Ifchor  
SA)**

**[10] Midwestern Trading Group, Inc.**

**[11] Cargill Financial Solutions LLC**

**[12] Cargill, Inc.**  
**[13] Bunge SA**  
**[14] Credit and Trading Company Ltd**

**v**

**PJSC National Bank “Trust”**

**[BVIHCMAP2025/0029]**  
**[BVIHCMAP2025/0030]**  
**[BVIHCMAP2025/0031]**  
**[BVIHCMAP2025/0032]**

**TERRITORY OF THE VIRGIN ISLANDS**

**Date:** **Tuesday, 17<sup>th</sup> February 2026**

**On paper:**  
**Applicant:** **Mr. Christopher Bromilow for the 1<sup>st</sup> applicant**

**Respondent:** **Mr. Andrew Emery**

**Issues:** **Application for a stay – Application for variation**

**Result / Order:** **IT IS HEREBY ORDERED THAT:**

- 1. A stay of the proceedings in the court below is granted pending the hearing and determination of the appeal.**
- 2. A stay of the paragraphs 5,8 and 10.1 of the Order of Mithani J dated 25<sup>th</sup> November 2025 is granted pending the hearing and determination of the appeal.**
- 3. The application filed on 12<sup>th</sup> January 2026 for a variation and/or directions to be given is granted.**

4. Paragraphs 2,6 and 7 of the Order of Farara JA [Ag.] dated 22<sup>nd</sup> December 2025 is varied as follows:

“2. The applicants shall file their notice of appeal on or before 12<sup>th</sup> January 2026.

6. The respondents shall file and serve their evidence and skeleton argument in opposition on or before 20<sup>th</sup> January 2026.

7. The applicants shall file any skeleton argument in reply on or before 6<sup>th</sup> February 2026.”

5. The skeleton argument filed by the respondents on 20<sup>th</sup> January 2026 is deemed properly filed.

6. The skeleton argument of Mikhail Shishkhanov filed on 6<sup>th</sup> February 2026 is deemed properly filed.

7. Costs shall be costs in the appeal.

**Reason:**

The Court considered the principles for the grant of a stay pending appeal as outlined in the authorities *Wenden Engineering Service Co. Ltd v Lee Shing UEY Construction Co Ltd* HCCT No. 90 of 1999, *C-Mobile Services Limited v Huawei Technologies Co. Limited* BVIHCMAP2014/0017 (delivered 2<sup>nd</sup> October 2014) and *Michael James v Tasman Gaming Inc et al* Civil Appeal No. 6 of 2006 (delivered 8<sup>th</sup> February 2007, unreported) as well as rule 26.1(2)(k) of the Eastern Caribbean Supreme Court Civil Procedure Rules (Revised Edition) 2023.

The Court was of the view that in accordance with the established principles governing the grant of a stay, if the lower court proceedings were allowed to continue and the applicants were required to file a defence or otherwise participate, their appeal to this Court against the jurisdictional challenges in the lower court would be rendered nugatory, and that, in any event, the balance

of convenience and harm favours the applicants, particularly in relation to compliance with the orders impugned at paragraphs 5, 8, and 10.1 of the Order of Mithani J. Furthermore, the delay is not inordinate, the applicant has filed the skeleton arguments, and it is in the interest of justice that the extension of time be granted.

**Case Name:**

**Ivelitz Chebaux – Fernandez**

**v**

**[1] David Penazola Sandoval**

**[2] Eden Marine Ventures Limited**

**[BVIHCMAP2026/0002]**

**TERRITORY OF THE VIRGIN ISLANDS**

**Date:**

**Tuesday, 17<sup>th</sup> February 2026**

**On paper:**

**Applicant:**

**Mr. Robert Maxwell Marsh**

**Respondents:**

**Dr. Jevgenija Fedotova**

**Issues:**

**Application for leave to appeal – Application for a stay**

**Result / Order:**

**IT IS HEREBY ORDERED THAT:**

- 1. The application for leave to appeal the orders of Honourable Justice Mithani [Ag.] delivered on 16<sup>th</sup> December 2025 is granted.**
- 2. The applicant shall file the notice of appeal within 21 days of the date of this order.**



3. Upon compliance with paragraph [2], the appeal shall proceed in accordance with the Civil Procedure Rules (Revised Edition) 2023.
4. The application for a stay as filed by the Applicant is refused.
5. The Registrar of the High Court shall serve a copy of this order on the respondents and provide proof of service within 7 days of the date of this order.

**Reason:**

The Court considered rule 62.2(8) of the Civil Procedure Rules (Revised Edition) 2023 as well as the principles of the grant of leave to appeal as stated in *Othneil Sylvester v Faelleseje* Civil Appeal No. 5 of 2005 (delivered 20<sup>th</sup> February 2006, unreported) and in *Cage St. Lucia Limited v Treasure Bay (St. Lucia) Limited* Saint Lucia Civil Appeal No. 45 of 2011 (delivered on 23<sup>rd</sup> January 2012, unreported). The Court also considered the principles adumbrated in *C-Mobile Services Ltd. v Huawei Technologies Co. Ltd.* BVIHCMAP2014/0017 (delivered 2<sup>nd</sup> October 2014, unreported) concerning the granting of an application for a stay of execution.

The Court was of the view that the applicant does have a realistic prospect of success however, the Court also noted that from the affidavit in support of the application, the applicant has not advanced nor demonstrated any cogent evidence that the appeal will be rendered nugatory for the grant of a stay.